

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

[1] NICOLE SANFORD, [2] DESIREE  
GALLEGOS, [3] ELAINE GAYTAN,  
[4] MEGAN GOODIN, [5] EVELYN LUNA,  
[6] HANNAH POWER, [7] JUDY RIGSBEE,  
and [8] COURTNEY SMITH,

Plaintiffs,

vs.

No. CIV-24-343-GLJ

[1] CORECIVIC, INC., and [2-4] JANE DOES 1-3,

Defendants.

**COMPLAINT FOR DAMAGES**

Plaintiffs Nicole Sanford, Desiree Gallegos, Elaine Gaytan, Megan Goodin, Evelyn Luna, Hannah Power, Judy Rigsbee, and Courtney Smith allege the following as their Complaint for Damages against Defendants CoreCivic, Inc. and Jane Does 1-3.

**THE NATURE OF THE ACTION**

1. On September 22, 2022, a CoreCivic prison-transport bus was carrying female inmates from the Cimarron Correctional Facility in Cushing, Oklahoma to Federal Medical Center (“FMC”) Carswell in Fort Worth, Texas, when it crashed into a highway guardrail and then a tractor-trailer in or near Thackerville, Oklahoma, injuring many of the women inside, including the Plaintiffs. The Plaintiffs have suffered an array of lasting injuries from this incident, and bring this suit against CoreCivic for compensation.

**THE PARTIES**

2. The Plaintiffs were each inmates and passengers on board the CoreCivic transport bus that crashed on September 22, 2022. Nicole Sanford is a citizen of New Mexico, Desiree

Gallegos is a citizen of California, Elaine Gaytan is a citizen of Texas, Megan Goodin is a citizen of Nevada, Evelyn Luna is a citizen of Texas, Hannah Power is a citizen of Texas, Judy Rigsbee is a citizen of Arkansas (currently incarcerated in Texas), and Courtney Smith is a citizen of California.

3. Defendant CoreCivic, Inc. is a Maryland-incorporated and Tennessee-headquartered for-profit corporation which, along with two other corporations (GEO Group and Management and Training Corporation), dominate the America for-profit-prison market. At the time of the crash, it operated the Cimarron Correctional Facility and ran the transport bus involved in the crash.

4. Defendants Jane Doe 1, Jane Doe 2, and Jane Doe 3 are the three CoreCivic employees (correctional/transport officers) on board the bus at the time of the crash. Although it does not affect the diversity analysis, the Jane Doe Defendants are presumably citizens of Oklahoma.

### **JURISDICTION AND VENUE**

5. This Court has subject-matter jurisdiction over this case under Article III, § 2, cl. 1 of the U.S. Constitution and 28 U.S.C. § 1332, because there is complete diversity between the parties (no Plaintiff has the same state of citizenship of any Defendant), and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. This Court has personal jurisdiction over all the Defendants, as each of them resides or works, and committed the acts alleged in this Complaint, within the State of Oklahoma, and because personal jurisdiction exists under Oklahoma's long-arm statute, 12 Okla. Stat. § 2004. *See Hough v. Leonard*, 867 P.2d 438 (Okla. 1993) (recognizing that "intent of the Oklahoma long-arm statute is to extend the jurisdiction of Oklahoma courts over non-residents to the outer limits

permitted by the Oklahoma Constitution and by the due process clause of the United States Constitution”).

7. Venue in the Eastern District of Oklahoma is proper because “a substantial part of the events or omissions giving rise to the claim occurred,” 28 U.S.C. § 1391(b)(2), in Love County, Oklahoma, which is within the Eastern District, *see* 28 U.S.C. § 116(b).

8. Pursuant to LCvR 3.1, the Plaintiffs state that this action is not related to any previously filed case in this Court.

### **FACTUAL BACKGROUND**

9. On September 22, 2022, the Plaintiffs and a number of other female inmates were being transported on a CoreCivic bus from the Cimarron Correctional Facility in Cushing, Oklahoma — a CoreCivic facility — to FMC Carswell in Fort Worth, Texas.

10. The bus had departed from Cushing at around 2:00 a.m. on the roughly 4-and-a-half-hour (not including stops) trip. One of the Jane Doe Defendant CoreCivic employees drove the bus, while the other two slept.

11. In or around Thackerville, Oklahoma, which is in Love County, the Jane Doe Defendant driving the bus began to fall asleep at the wheel. She ran over the buzz strips along one side of the road, overcorrected and hit a guardrail on the other side, and then overcorrected again and made contact with first a semi-trailer and then a guardrail again.

12. During this period and even before the actual accident, the inmates had noticed the driver falling asleep and were yelling at her to pull over. The driver refused to do this, stating that it was against CoreCivic policy.

13. The women on the bus suffered a variety of injuries, mostly minor, but some serious, and some of which continue to cause lasting pain, debilitation, and the need for medical

treatment to this day. The Plaintiffs were among the most seriously injured inmates on board the transport.

14. By way of their then-potential counsel, the Plaintiffs sent an evidence-preservation letter and notice of potential claims to CoreCivic, the Cimarron Correctional Facility, and FMC Carswell via certified mail on January 30, 2023. *See* 51 Okla. Stat. § 156.

**CLAIM FOR RELIEF  
NEGLIGENCE BY ALL DEFENDANTS**

15. Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, the Plaintiffs incorporate by reference all of the foregoing allegations in this Complaint.

16. The driver of the CoreCivic bus was plainly and grossly negligent and reckless in her failure to remain awake while driving, her failure to keep the vehicle under control and on the roadway, and her initiation of contact with the guardrails and another large vehicle.

17. The other two Jane Doe Defendants were negligent, and perhaps also reckless, in their failure to intervene — and direct the driver to pull over, either for a break or so that one of the other Jane Doe Defendants could take over the task of driving — when the driver was clearly falling asleep and driving erratically. They were particularly put on notice of the risks associated with their colleague falling asleep when the inmates began fearfully yelling about the issue.

18. CoreCivic is liable for its employees' negligence and recklessness under *respondeat superior* vicarious-liability principles, and is also directly liable for:

- a. having policies in place that caused its employees to conclude that taking the safe course of action of pulling over would result in discipline;
- b. failing to have policies in place to either prevent or address the entirely foreseeable issue of driver fatigue during multi-hour, early-morning, interstate transports;

c. failing to adequately train its employees on prison-transport protocols, like how to avoid excessive fatigue and, if such fatigue occurs, how to deal with it and prevent a crash; and

d. failing to adequately supervise its employees in the implementation of and adherence to appropriate transport-safety policies.

19. “In vehicular cases, gross negligence [is] sufficient to support punitive damages[, and this] requires more than simple negligence or an accident resulting from a driver’s inadvertence.” *Carter v. Pendley*, 544 P.3d 970, 979, ¶ 29 (Okla. App. 2023) (brackets and citation omitted). The Defendants here acted with “reckless disregard for the rights of others,” *Online Oil, Inc. v. CO&G Prod. Grp., LLC*, 419 P.3d 337, 343, ¶ 11 (Okla. App. 2017), supporting an award of punitive damages.

#### **JURY DEMAND**

20. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, the Plaintiffs demand a trial by jury on all issues so triable.


#### **PRAYER FOR RELIEF**

The Plaintiffs hereby pray that this Court grant the following forms of relief to redress the wrongs alleged in this Complaint:

- A. compensatory damages;
- B. punitive damages;
- C. costs of litigation, including multiples thereof if allowed by law; and
- D. any other relief allowed by law and that the Court deems just and appropriate.

Respectfully submitted,

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**This Complaint Has No Exhibits (Except Civil Cover Sheet)**